

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

)
ABBOTT LABORATORIES and ABBOTT)
RESPIRATORY LLC,)
)
Plaintiffs,) C.A. No. 10-57 (SLR)(MPT)
) CONSOLIDATED
v.)
)
WATSON LABORATORIES, INC. –)
FLORIDA,)
)
Defendant.)

AMENDED EXHIBIT K TO [PROPOSED] PRETRIAL ORDER

OF COUNSEL:

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Dated: January 18, 2012

EXHIBIT K (AMENDED)

**Watson's Deposition Designations, Abbott's Counter-Designations,
Watson's Counter-Counter Designations, and the Parties' Respective Objections**

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
Thomas Ferder October 28, 2003						
	7:13	8:3				
	19:3	19:5				
	19:7	19:9				
	19:11	25:12	B (24:18-20) LF; S (24:21-25:12)	62:5; 65:3-25; 66:6-9; 66:18-67:8; 68:17- 69:13; 69:24-70:8	I, NT, R R, NT R, OD R, OD R, OD R, OD	
	25:22	26:4	LF; S	62:8-19		
	26:13	26:15				
	26:21	30:5	B (29:5-24)			
	30:25	32:22				
	33:3	33:5				
	33:7	33:13				
	35:9	35:17	I (35:17)			
	36:10	36:13	LF			
	37:12	37:15	LF			

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	38:10	38:13	LF			
	41:7	41:11	LF			
Christopher Kiritsy September 18, 2003						
	6:13	6:22		5:6-9		
	7:8	8:6				
	13:18	14:15				
	15:22	16:6				
	74:9	74:10				
	77:8	77:19				
	79:10	79:24				
	80:2	80:10				170:7-8; 170:11-15; 170:19-23; 171:2-3; 171:19-24
	249:18	250:6	I	249:12-15; 250: 7-17	R, LF, H R, LF, H	
	250:23	252:3		169:17-20; 169:23-170:6; 248:4-249:11	R, LF, L, K, H, O R, LF, L, K, H, O R, LF	
	252:23	253:6	LF (253:3-6)			
	253:9	253:24	LF			
	254:2	254:20		254:21-255:16	R, LF, K	
	255:17	256:3				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	256:16	257:9	LF			
	257:15	258:4	LF	257:10-14		
	258:7	258:12	LF, K, O	258:13-259:2		
	259:3	259:14	LF			
David Kropp October 30, 2003						
	5:15	6:4				
	7:15	7:19				
	7:24	8:12				
	8:23	9:14				
	10:11	10:20				
	15:6	15:7	I			
	15:9	15:14				
	15:16	16:13				
	16:17	16:24				
	17:19	19:15		19:16-18		
	19:19	20:8		20:9-16		
	20:17	21:24				
	22:19	24:19				
	25:11	25:24		25:8-9		
	26:2	26:8				
	26:12	26:20	LF (29:12-17)			
	26:22	27:15				
	27:25	29:6				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	29:17	31:5	B (29:17-30:4)	42:12-14; 42:19-20; 43:2-6	R, OD R, OD R, OD	
	32:1	32:10		31:6-18		
	32:17	34:25	B (33:2-10)	42:12-14; 42:19-20; 43:2-6		
	35:4	38:3	B (36:1-8; 37:1-10)	42:12-14; 42:19-20; 43:2-6		
	38:5	40:4	B (39:1-8)			
	43:22	44:5				
Joseph Errigo						
	8:10	8:16				
	11:8	11:10				
	11:23	12:3				
	13:20	14:3				
	18:17	18:19	I			
	19:2	19:4				
	20:8	20:21				
	21:7	21:10				
	23:1	23:5				
	23:17	24:2				
	24:4	24:14				
	24:22	25:9				
	25:17	25:24				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	26:8	26:15				
	26:19	26:21				
	27:8	27:21	B (27:15-17; 27:19-20); I (27:21)	104:15-105:14	R, OD	
	28:12	28:18				
	28:22	28:24	NT			
	32:19	32:25	Mischaracterizes prior testimony; LF; S	33:5-13	R	
	46:10	46:12				
	46:14	47:6				
	47:13	47:16				
	47:18	48:6	B (47:19-22)	104:2-8; 104:15-105:2	R, OD	
	58:15	59:2				
	59:9	59:12		59:3-6; 59:13-15; 59:17-21		
	64:11	65:14	B (65:7-10); I (65:14)	104:15-105:14	R, OD	
	65:24	66:3				
	66:10	66:23				
	67:3	67:9	B (67:3-6)	104:9-105:14	R, OD	
	67:11	67:11				
	67:14	67:16				
	67:18	68:3				
	68:19	68:24				
	69:1	69:7	B (69:4-7)	104:15-105:14	R, OD	

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	69:25	70:3		69:13-24; 70:4-13	R	
	70:14	70:18				
	72:16	73:3				
	75:12	75:15	Mischaracterizes prior testimony; LF	73:4-14	I	
	83:22	83:25	Mischaracterizes prior testimony; LF	80:11-15; 80:19-24; 82:14-20; 106:13-18; 109:23-110:15		
	100:6	100:22				
	101:13	101:17				
Keith Greathouse December 11, 2003						
	7:12	7:15		7:2-4	R, I, C	
	9:15	9:22				
	10:3	10:5				
	10:16	10:22		10:13-15	R, C	
	11:10	11:13				
	11:16	12:8		40:17-41:11		
	13:5	13:15	LF, K, B	12:21-13:2	R, C	
	15:21	16:6	LF, K, B	14:18-15:3	R, C	
	16:8	16:8	LF, K, B			
	17:4	17:8	LF, K, B			
	18:14	18:18	LF, K			

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	18:21	18:22	LF, K			
	30:14	30:18	LF, K, B	29:7-16, 18-22	R, C	
	30:20	30:20	LF, K, B			
	30:22	31:4	LF			
Kevin Lanigan October 30, 2002						
	4:16	4:18				
	5:19	5:21				
	7:15	7:17				
	12:11	13:3				
	14:10	14:22				
	16:6	16:10	I (16:6)			
	16:16	17:21				
	18:4	18:15				
	20:2	20:5				
	20:8	20:10	I			
	20:16	20:20				
	20:22	21:16				
	22:21	22:25				
	23:4	23:8				
	23:25	24:19				
	24:22	25:1				
	27:7	27:10				
	27:17	27:19	R	26:20-25	R, C, I	

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	28:1	28:6				
	28:9	28:11				
	28:13	28:16	I (28:16)			
	28:23	29:1				
	29:5	29:23	B (29:19-23)			
	30:2	30:11	B			
	30:14	30:17	S			
	30:21	31:3	S			
	31:6	31:8	S			
	31:11	31:21				
	31:25	32:19		33:1-4; 33:10-14; 33:18-25; 34:3-4	R, O	
	37:5	39:20				
	39:25	40:2				
	40:8	40:13				
	41:19	43:18	B (42:5-43:5)			
	43:21	44:10				
	44:12	46:4				
	46:19	46:24				
	49:3	49:5				
	49:13	50:2				
	60:21	60:24				
	61:2	61:10				
	61:13	61:15		61:16-18; 61:21-22		

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	65:17	67:2	I (65:17); B (66:6-9)	54:1-8; 54:10-13; 54:16; 57:7-12; 57:16; 58:2-4; 58:8-11; 58:15; 61:23-62:1; 62:21-23; 63:2	R	
	67:5	67:9				
Kuldid Malhotra October 29, 2003						
	4:8	4:9		4:2-5		
	5:12	5:25				
	6:8	6:19				
	6:24	7:16				
	13:6	13:9				
	13:17	14:4				
	16:10	16:18				
	17:2	18:13				
	18:24	19:9				
	31:15	31:19		31:20-23; 35:9-11; 35:20-23; 37:2-5	I	33:4-11, 33:12-13, 16-19
	32:5	32:13		32:17-21	I	33:4-11, 33:12-13, 16-19
	61:9	62:12	S, LF, K (61:21-62:12)			62:13-21

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	74:19	74:23	S, LF, K			
	76:10	76:15		76:16-19		
	128:17	129:8		130:9-11, 14-22; 130:23-131:11; 132:9-12		
	133:13	134:14	LF, K, S			
	142:21	142:23	LF	143:19-21; 143:24-144:5; 144:7-9; 147:6-23	LF, K, O, S	
	143:2	143:9	LF, K			
	143:12	143:18				
	154:21	154:24				
	156:23	157:2	LF, K	156:15-22; 157:3-8	I	157:9-158:2
	157:9	158:2	LF, K			
	204:23	205:3	I, LF, B			
McGovern, Dr. Mark 07/19/2011						
	7:2	7:11				
	17:14	18:6				
	18:8	19:17				
	21:15	22:6				
	22:14	22:22				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	22:24	24:1				
	24:7	24:16				
	34:5					
	34:9	34:21				
	35:6	36:21				
	36:23	37:3				
	37:5	37:6				
	37:8	37:13				
	37:15					
	38:16	40:4				
	40:6	40:10				
	66:3	66:18				
	66:24	69:23				
	69:25	70:20				
	72:17	73:22				
	75:21	76:2				
	76:9	78:19				
	79:22	80:1				
	81:5	82:10				
	82:12	82:14				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	84:20	86:23				
	87:1	87:6				
	87:20	88:20				
	88:22					
	92:9	94:2				
	94:5	95:1				
	112:16	112:21				
	114:1	114:3				
	114:5	114:16				
	114:18	114:21				
	114:23	115:1				
	115:3	115:18				
	115:20	115:23				
	115:25	116:15				
	116:17	116:19				
	116:21	117:1				
	117:3	117:19				
	117:21	118:4				
	118:6	118:12				
	118:23	119:6				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	119:8	119:11				
	119:13					
	120:6	120:8				
	120:10	123:1				
	124:5	124:9				
	124:11	125:9				
	125:11	125:21				
	125:23	126:14				
	126:16					
	127:4	128:24				
	129:19	129:21				
	129:23					
	129:25	132:22				
	134:3	134:11				
	135:16	135:21				
	151:25	152:1				
	152:3	152:9				
	152:11	153:7				
	153:18	153:19				
	153:21	153:24				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	163:24	164:7				
	164:9	164:13				
	164:15	164:21				
	165:19	165:22				
Padley, Dr. Robert 08/23/2011						
	8:7	8:17				
	9:21	9:22				
	10:18	11:1				
	14:22	16:18				
	16:20	17:8				
	24:7	24:14				
	24:20	25:23				
	28:7	30:2				
	30:4	31:19				
	32:6	35:10				
	35:17	35:22				
	37:16	38:7				
	39:4	39:23				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	40:11	41:8				
	41:11					
	43:4	44:5				
	44:25	45:9				
	70:2	70:14				
	70:16	71:5				
	111:25	113:5				
	113:8	114:20				
	114:23	115:9				
	115:12	115:20				
	115:23	116:10				
	116:13	117:17				
	117:20	118:3				
	118:6	119:14				
	119:17	119:23				
	120:2	120:9				
	120:18	120:19				
	120:22	121:4				
	121:7	121:9				
	121:12					

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	125:2	125:19				
	125:22	126:4				
	126:7	126:14				
	126:17	126:23				
	136:3	136:20				
	136:24	137:20				
	139:10	139:19				
	140:11	141:16				
	141:19	142:4				
	144:25	145:1				
	145:4	145:23				
	146:2					
	146:4	146:6				
	146:9	146:22				
	146:25	147:15				
	147:19	148:2				
	148:5	148:6				
	148:9	148:10				
	148:13	148:22				
	153:5	154:20				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	154:22	154:23				
	154:25	155:3				
	155:6	155:17				
	155:19	156:5				
	156:7	158:12				
	158:15					
	175:7	177:18				
	177:21	178:25				
	179:3	179:14				
	179:17	180:7				
	180:10	180:16				
	180:19	181:8				
	181:11	182:5				
	182:8	182:20				
	183:22	184:9				
	184:19	185:21				
	186:19	187:20				
	201:12	202:12				
	202:15	203:3				
	203:6	204:10				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	204:23	205:2				
	205:5	205:25				
	206:4	206:14				
	206:17	207:4				
	214:10	215:8				
	215:11	215:18				
	217:2	217:19				
	217:22	218:8				
	218:17	219:3				
	219:5	219:13				
	219:15	219:22				
	219:24	220:2				
	220:5	220:13				
	220:15	220:18				
	220:20	220:25				
	221:3	221:9				
	221:12	221:17				
	221:20	222:3				
	222:5	222:7				
	234:4	236:4				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	236:18	237:17				
	237:20	240:14				
	240:17	240:23				
	241:25	242:22				
	242:25	244:1				
	244:8	244:13				
	244:17	245:3				
	245:6	245:12				
	245:19	245:22				
	245:25	246:22				
	246:25	248:16				
	248:19	250:4				
	254:15	255:20				
	255:23	257:16				
	257:19	257:21				
	258:9	259:18				
	259:20	260:1				
	260:4	260:11				
	260:13	260:24				
	261:3	261:10				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	261:13	261:19				
	261:21	262:6				
	262:8	262:16				
	263:2	263:15				
	263:17	264:1				
	264:4	264:8				
	264:11	264:19				
	264:22	265:5				
	265:8					
	265:11	265:25				
	266:3	266:18				
	266:21	267:3				
	267:6	267:13				
	267:16	267:21				
	267:24					
	268:11	270:23				
	271:7	273:2				
	273:5	280:15				
	280:18	281:21				
	281:24	282:21				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	282:24	283:7				
	283:10	283:16				
	283:23	284:2				
	284:5	284:21				
	284:23	285:10				
	285:12	286:17				
	286:19	287:3				
	299:11	306:14				
	306:16	307:24				
	308:1	308:8				
	308:10	309:14				
Sutcliffe, Marianne R. July 15, 2011						
	6:9	6:15				
	7:10	7:15				
	43:2	43:4				
	65:10	65:22				
	73:9	74:22				
	75:20	76:10				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	76:13	77:11				
	77:14	78:4				
	78:17	78:20				
	78:25	79:7				
	79:11	81:25				
	82:2	82:9				
	82:11	82:22				
	84:15	84:18				
	85:23	86:15				
	86:17					
	144:8	144:16				
	144:20	144:23				
	145:6	145:12				
	199:15	201:5				
	201:20	203:9				
	208:1	210:17				
	210:19	212:17				
	212:19	213:17				
	213:19	213:21				
	213:23	214:14				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	214:16	215:15				
	215:17					
	215:20	217:11				
	217:14	217:15				
	217:17	218:1				
	218:3	218:21				
	239:1	241:13				
	241:21	246:18				
	246:20	246:22				
	247:14	247:16				
	247:18	247:21				
	247:23	248:1				
	248:3	249:8				
	249:10	249:14				
	249:16	249:21				
	249:23	250:4				
	250:6	250:25				
Toth, George 08/25/2011						

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	5:1	5:12				
	6:8	6:11				
	10:23	11:11				
	11:23	12:13				
	16:1	17:18				
	17:24	21:13				
	27:14	28:19				
	38:23	40:1				
	41:10	41:11				
	41:13	41:16				
	46:23	48:3				
	53:17	54:21				
	56:6	56:16				
	57:10	57:22				
	64:7	64:25				
	66:21	68:2				
	68:9	70:12				
	71:13	71:16				
	81:25	82:17				
	85:14	85:17				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	86:7	88:5				
	88:15	90:6				
	90:18	93:12				
	114:6	117:13				
	118:2	119:4				
	120:14	121:25				
	124:18	124:21				
	131:21	131:24				
	132:1	134:9				
	135:8	136:25				
	140:3	141:21				
	153:6	155:10				
	155:12	156:14				
	160:20	162:23				
	170:16	172:21				
	172:24	173:23				
Williams, Medgar July 12, 2011						
	7:10	7:13				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	11:9	12:15				
	19:2	20:10				
	23:25	25:3				
	25:6					
	28:21	29:3				
	34:17	35:7				
	35:10	36:10				
	36:20	37:1				
	37:15	38:3				
	38:6	38:8				
	38:21	39:7				
	39:18	39:22				
	39:25	40:7				
	46:8	47:18				
	82:21	85:12				
	85:14	86:18				
	90:13	90:19				
	94:18	94:23				
	95:10	95:13				
	95:16	96:7				

Witness	Deposition Designations		Plaintiffs' Objections	Plaintiffs' Counter-Designations	DEF Obj to PLF Counters	DEF Counters to PLF Counters
	FROM	TO				
	104:24	107:1				
	107:3	107:12				
	107:14	107:20				
	107:23					
	219:18	221:18				
	221:20	222:7				
	222:9	222:11				
	224:21	225:3				
	225:5	225:7				
	226:7	226:15				

Key of Abbott's Objections to Watson's Designations

Abbreviation	Objection
B	Not Best Evidence (FRE 1002, 1003 and/or 1004)
C	Cumulative, Duplicative, Wasteful or Undue Delay (FRE 403)
H	Hearsay/Improper Use of Deposition (FRE 802 and/or FRCP 32)
K	Lack of Personal Knowledge/Incompetent (FRE 602)
L	Calls for Legal Conclusion
NR	Nonresponsive
LF	Lack of Foundation (FRE 103, 104 and/or 105)
O	Improper Lay or Expert Opinion (FRE 701-703)
R	Relevance (FRE 402)
S	Calls for Speculation
I	Incomplete (FRE 106)
NT	Not Testimony
30(b)(6)	Beyond the Scope of the Rule 30(b)(6) Deposition Topic

Key of Watson's Objections to Abbott's Counter-Designations

Key	Objection
A	The exhibit has not been properly authenticated under rules 901, 902, or 903.
B	This is not the best evidence of the document it purports to be.
C	This document's or testimony's probative value is substantially outweighed by a danger of confusion of issues, undue delay, waste of time, or presentation of needlessly cumulative evidence under Rule 403.
E	This testimony seeks to offer an expert opinion on topics beyond the scope for which the expert was qualified under Rule 702.
F	No foundation has been laid to admit this document either because as no sponsoring witness has testified about it, for example, under Rule 803 or because a sponsoring witness lacks personal knowledge under Rule 611.
H	This document or testimony contains or embodies an out-of-court statement. It is inadmissible as hearsay if offered to prove the truth of that statement unless the proponent can qualify it as nonhearsay or an exception to hearsay under Rule 801 et seq. To the extent that it is offered for another purpose, it is confusing and prejudicial.
I	One or more other documents or other testimony ought to, in fairness, be considered along with this document or testimony.
ID	This document is an improper demonstrative exhibit that is not evidence under Rules 901 through 903 and 1002.
NP	This document was not properly produced during discovery or was not timely identified by Abbott and therefore it should be excluded.
O	This testimony or line of questioning offers or seeks to elicit opinion testimony from a lay witness beyond that permitted in Rule 701.
OS	This testimony is beyond the parties' agreed-upon 30(b)(6) scope and is therefore improper.

P	This document's or testimony's probative value is substantially outweighed by a danger of unfair prejudice under Rule 403.
R	This document or testimony is not relevant any issue in this case under Rules 401 and 402.
RM	This document or testimony is not relevant unless offered as proof of issue that is relevant to this case.
S	This document is an improper summary under Rule 1006 and either summarizes material that can be conveniently examined in court or is an inaccurate, incomplete, or misleading summary.
V&A	This question is vague and ambiguous because it is either indefinite and uncertain or susceptible to multiple interpretations.